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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,405	01/17/2002	Frank J. Gangi	34283-00010USP1	4099
35979	7590	12/21/2004	EXAMINER	
BRACEWELL & PATTERSON, LLP			KIM, AHSHIK	
IP DOCKETING			ART UNIT	
P.O. BOX 61389			PAPER NUMBER	
HOUSTON, TX 77208-1389			2876	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/052,405

**Applicant(s)**

GANGI, FRANK J.

**Examiner**

Ahshik Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/13/04 (Amdt) & RCE (9/28/04).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 52-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
37 CFR 1.114. Applicant's submission filed on September 28, 2004 has been entered.

### ***Amendment***

10 2. Receipt is acknowledged of the amendment filed on October 13, 2004. In the amendment  
claims 8-51 are canceled, and claims 52-65 were newly added. Currently, claims 52-65 remain  
for examination.

15 Examiner also notes that the claims and remarks section of the amendment are labeled  
with incorrect application serial number. Incorrect application serial number could potentially  
lead to misfiling or papers being lost. Application's care for the correct application information  
is respectfully suggested for the papers to be properly filed and promptly prosecuted.

### ***Claim Objections***

20 3. Claim 57 is objected to because of the following informalities:

Re claim 57, line 5: substitute "RDID" with --RFID--.

Appropriate correction is required.

***Drawings***

4. It appears that sheet 4 (figure 4) appears to be informal. Label “fig. 4” is informal, and some texts are superimposed on the drawings. Clean and formal drawing for sheet 4 is required in response to this Office Action or when the application is allowed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

10 A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 52-65 are rejected under 35 U.S.C. 102(b) as being anticipated by a previously cited reference to Taylor (US 5,578,808, hereinafter “Taylor”).

Re claims 52, 55-57, 60, and 62-65, Taylor discloses a retail system (see abstract; col. 1, lines 31+; col. 2, lines 25+) comprising a sever (step 232) configured to store a plurality of personal and vendor specific information in the database (col. 4, lines 30+; col. 8, lines 40+); a data processor remote from the server included in the terminal such as point-of-sale or ATM terminal (col. 1, lines 51+). The users are allowed to initiate a desired transaction by providing personal id number such as personal identification number (PIN) and vendor code or provider ID (col. 3, lines 20-40; col. 6, lines 23+). The terminal provides means for displaying information to the user, and allows the users to enter information if needed (col. 5, lines 23+). The

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transactions can vary from credit purchases, healthcare transaction, travel, and/or entertainments (col. 5, lines 51+).

Re claims 53 and 58, the users are required to enter personal id and provider id (col. 6, line 47 – col. 7, line 10).

5 Re claim 54, as shown in figure 5, the card can be either a smart card or a magnetic stripe card (col. 3, lines 55-60).

Re claim 59, although not explicitly disclosed, financial transaction such as banking or ATM transaction or other purchases utilizing credit is record in the credit provider's transaction database for audit and other purposes (i.e., resolving credit disputes, etc) (col. 4, lines 30-36).

10 Re claim 61, component parts such as terminal remote database at the financial institutions or airline or other vendors are connected by a data link (col. 4, lines 9-16).

### ***Conclusion***

15 I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Welton (US 6,581,827); Demoff et al. (US 6,456,984); Blossom (US 6,631,849); O'Brien et al. (US 5,832,457) disclose transaction card and transaction systems. Applicant is respectfully suggested to carefully review these references.

20 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the  
25 Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

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*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim  
Patent Examiner  
Art Unit 2876  
December 17, 2004